

**Michigan Supreme Court
State Court Administrative Office**

Foster Care Review Board Program

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**Foster Parent Appeal Policy 98-01
(REVISED 2-14-03)**

Pursuant to 2000 PA 46, being MCL § 712A.13b, the Foster Care Review Board Program ("FCRBP") will respond to a foster parent's appeal when a foster child is being removed from the foster home and the foster parent objects to the proposed change in placement. A foster parent cannot appeal a ward's move if any of the following conditions exist: (a) the court orders the placement; (b) the change in placement is less than 30 days after the child's initial removal from his/her home; (c) the change in placement is less than 90 days after the child's initial removal from his or her home, and the new placement is with a relative; or (d) the change in placement is in accordance with other provisions of this section.

Additionally, pursuant to Program Policy 01-01, the FCRBP will deem a caregiver's appeal request inappropriate for a board investigation if during the course of the intake process or board investigation one or more of the following is found to be the case: (a) the appeal request involves a child who is being moved from a foster home to an adoptive placement; (b) the appeal request is made by a foster parent who merely wants to refute an agency's allegations against him or her; (c) the appeal request involves a foster parent who merely wants to challenge an agency's effort to revoke the foster home's license; (d) the appeal request arises from a foster parent's disapproval of a court's order that removes a foster child from the foster home; and/or (e) the foster parent has requested or agreed to the move initially, as confirmed by FIA Form 30, but later retracted their request or consent.

The Agency with supervision of the foster child must notify the foster parents when a change in foster care placement is intended and inform the foster parents that if they disagree with the decision, they may appeal within three days to a foster care review board. The agency must also notify the State Court Administrative Office of the proposed change in placement.

When a foster parent appeals an intended move to the FCRBP Office, established screening procedures will be used to gather information regarding the reason for appeal from both the foster parent and the agency.

In response to the foster parent's appeal, the Program office will contact the director of the agency or designee where the caseworker who is planning the ward's removal is employed. The agency director or designee will be asked questions about the intended move. If the agency director or designee states to the Program Office that the ward's move will not occur, a board investigation will not be scheduled.

If the agency director or designee states that the ward's move will occur as planned, the Program office will schedule an investigation.

EXCEPTION: If the Agency has reasonable cause to believe that the child has suffered sexual abuse or nonaccidental physical injury, or that there is substantial risk of harm to the child's emotional well-being, the Agency may change the child's foster care placement without complying with subsection (1) or (2) (B) or (C). The agency shall include in the child's file documentation of its justification for action under this subsection. If a foster parent objects to the removal of a child under this subsection, he or she may appeal to the foster care review board within three days after the child's removal. The foster parent may appeal orally but must submit the appeal in writing immediately following the oral appeal. MCL § 712A.13b(7).

If an investigation is conducted, the FCRBP will convene a three-person investigative panel, which may or not involve the presence of a party or parties having an interest in the child(ren)'s move and/or a person(s) to whom the panel needs to speak. Subject only to the final decision of the Program Manager, the decision as to the location, mode, method, or scope of the panel's investigation rests with the Program Representative convening the investigative panel and/or serving the county having jurisdiction over the affected child(ren). The three board members will be selected by Program staff from the local foster care review board with jurisdiction over the child or, if necessary, from a pool of trained board volunteers serving elsewhere in Michigan. Board members selected will be current or former board volunteers who serve, or have served successfully, on a local review board.

The review will take place in the county with court jurisdiction over the child and be held at the county FIA office or other designated site determined by the FCRBP. Interested parties invited to the review will be determined by Program staff and could minimally include the following the foster parent making the request; three trained board members; the FCRBP Manager and/or Representative; FIA/POS caseworker and/or supervisor; FIA monitor and/or supervisor; the ward's attorney; and others as determined appropriate by Program staff.

The Findings and Recommendations from the investigation, which shall be **ADVISORY ONLY**, will be conveyed to the parents, foster parents, agency, and court immediately following the review panel's investigation.

The procedure for wards committed to the State Department of Social Services, Michigan Children's Institute ("MCI") pursuant to MCL § 400.203 is the same as the above procedure with a couple of exceptions.

If during the course of the investigation of a move, or proposed move, of an MCI ward it is determined that the caregiver's reason for appealing the move is that the caregiver has been unable to obtain the MCI Superintendent's consent for adoption, the board shall find that the appeal request is not appropriate for review. In these instances, the message taker will inform the caller that if they do not agree with the MCI Superintendent's denial of their request to adopt, **they must contact the MCI Superintendent** regarding their procedural recourse. Accordingly, the message taker may give the caller the MCI Superintendent's Office number: **(517) 335-6421.**

If, however, the caregiver is appealing the removal, or proposed removal, of *an MCI ward* and the MCI Superintendent has **not** withheld consent for adoption, the board will investigate the move or proposed move, to include (if necessary) conducting an investigation. If after an investigation the board determines that the move is in the child's best interests, the agency may move the child. Conversely, if after investigating the matter the board determines that the move is not in the child's best interest, the agency shall maintain the current placement until a decision by the MCI Superintendent. However, the agency shall not return a child to a placement from which the child was removed under subsection (7) unless the MCI Superintendent approves that placement's restoration. The foster care review board shall notify the MCI Superintendent about the board's and agency's disagreement. The MCI Superintendent must make a decision within 14 days of notification by the board regarding the child's placement and inform each interested party of his decision.

The procedure for wards committed to the Family Division pursuant to MCL § 712A.19b(1), is the same as the above procedures with a couple exceptions.

If during the course of the investigation of a move, or proposed move, of a permanent court ward it is determined that the caregiver's reason for appealing the move is that the caregiver has been unable to obtain the child-placing agency's recommendation for adoption, the board shall find that the appeal request is not appropriate for review.

In these instances, the message taker will inform the caller that if they do not agree with the child-placing agency's refusal to recommend them for adoption, **they must contact the child placing agency** regarding their procedural recourse. The message taker may also give the caller the FIA Central Office number: **(517) 373-2035**.

If, however, the caregiver is appealing the removal, or proposed removal, of *a permanent court ward* and the child-placing agency has **not** refused to recommend the caller's family for adoptive placement, the board will investigate the move or proposed move, to include (if necessary) conducting an investigation. If after the investigation the board determines that the move is in the child's best interests, the agency may move the child. Conversely, if after the investigation the board determines that the move is not in the child's best interest, the agency shall maintain the current placement until a decision by the family court. However, the agency shall not return a child to a placement from which the child was removed under subsection (7) unless the court orders that placement's restoration under subsection (6). The foster care review board shall notify the family court with jurisdiction over the child about the board's and agency's disagreement. The court shall set a hearing date and provide notice to the foster parents, each interested party, and the prosecuting attorney if the prosecuting attorney has appeared in the case. The court shall set the hearing no sooner than 7 and no later than 14 days after receipt of the notice from the foster care review board.

The number to call for a foster parent appeal is: 1-888-866-6566. The appeal will be handled by Program staff from the Lansing, Detroit, or Gaylord office, depending on the office from which the appeal originates.